

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGION IX

IN THE MATTER OF:)	
)	
ROMIC ENVIRONMENTAL)	First Amendment to Administrative
TECHNOLOGIES CORPORATION,)	Order on Consent
6760 West Allison Road, P.O. Box 5004,)	
Chandler, AZ 85226;)	
US EPA ID No. AZD 009 015 389)	U.S. EPA Docket No.
)	RCRA(AO)-09-2008-0003
)	
RESPONDENT.)	
)	Proceeding under Section
)	3008(h) of the Resource
)	Conservation and Recovery
)	Act, as amended, 42
)	U.S.C. §6928(h).

I. PURPOSE

1. On December 18, 2007, the U.S. Environmental Protection Agency (EPA) and Romic Environmental Technologies Corporation (Romic) entered into a Corrective Action Order on Consent (Corrective Action Order), Docket No. RCRA(AO)-09-2008-0003, addressing investigation at the Romic Facility located in Chandler, Arizona, on the Gila River Indian Community.
2. EPA and Romic hereby enter into this First Amendment to the Corrective Action Order on Consent (Amendment) for the purpose of amending the Corrective Action Order.
3. Except as amended by this Amendment, the provisions of the Corrective Action Order remain in full force and effect.
4. In entering into this Amendment, the mutual objectives of US EPA and Romic are to amend the Corrective Action Order to include corrective measures and implementation, and to establish sufficient financial assurance for these activities.

II. BACKGROUND

5. As of August 18, 2009, Romic has completed the work required under its Closure Plan dated August 15, 2008. The work included closure of existing hazardous waste management units (HWMUs) and one solid waste management unit

(SWMU) at the former Romic Southwest facility in the Lone Butte Industrial Park near Chandler, Arizona.

6. Romic closed all units pursuant to the closure plan. All hazardous wastes were removed from the RCRA regulated units and, except for certain groundwater issues that will be addressed by implementation of the Corrective Action Order, no releases at or from the units were discovered that required remediation.
7. The Corrective Action Order requires investigation of the nature and extent of groundwater contamination beneath the facility.
8. The Corrective Action Order requires Romic to complete a Corrective Measures Study (CMS) Report. The CMS Report shall identify the potential corrective measures that may be used for the containment, treatment, and/or disposal of contamination.

III. WORK TO BE PERFORMED

9. Respondent shall complete the CMS as and when required by Paragraphs 47 through 52 of the Corrective Action Order.
10. The following guidance documents apply to EPA's selection of the final corrective measure(s): U.S. Environmental Protection Agency - Guidance on RCRA Corrective Action Decision Documents: The Statement of Basis Final Decision and Response to Comments, (OSWER Directive 9902.6), February 1991; and Final Guidance on Completion of Corrective Action Activities at RCRA Facilities. Federal Register. Volume 68, No. 37. February 25, 2003.
11. US EPA will issue a Statement of Basis and provide access to an administrative record that identifies the proposed remedy for corrective action at a facility and explains the reasons for the proposal. In accordance with Section IX of the Corrective Action Order, Public Participation, EPA will provide the public with an opportunity to submit written and/or oral comments and an opportunity for a public meeting regarding proposed remedy prior to final approval of the CMS and implementation of the Selected Remedy.
12. Following public comment EPA will select the final corrective measure(s) for implementation. Within 30 days of the close of the comment period, EPA will notify Respondent of the final decision.
13. Within sixty (60) days of the notice referenced in Paragraph 12, Respondent shall submit a Corrective Measures Implementation (CMI) Workplan, if one is required by the Selected Remedy.
14. A CMI Workplan shall include the following components:

- Introduction
 - Purpose;
 - Program Management Plan;
 - Community Relations Plan;
 - Design plans and specifications;
 - Design phases (i.e., Preliminary, Intermediate, Final);
 - Operations and Maintenance (O&M) Plan;
 - Cost Estimate;
 - Project Schedule;
 - Construction Quality Assurance (QA) Objectives; and
 - Health & Safety Plan.
15. EPA approval of workplans and proposed contractors will be completed pursuant to Section X of the Order, Agency Approvals/Proposed Contractor/Additional Work.
16. Respondent shall implement the selected corrective measure(s) in accordance with the approved project schedule.

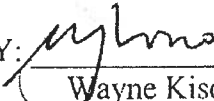
IV. FINANCIAL ASSURANCE.

17. Within five (5) days of the effective date of this Amendment, EPA will release Romic from maintaining financial assurance for closure and post-closure care of the Romic Southwest facility.
18. Within five (5) days of the effective date of this Amendment, Respondent shall submit draft documents to US EPA for review and approval in accordance with Section X of the Order supporting establishment of a surety and standby trust to demonstrate Respondent's ability to pay for at least \$500,000 worth of the work required under the Corrective Action Order and this Amendment. Within twenty (20) days after US EPA's approval of the draft financial assurance instruments, Respondent shall execute or otherwise finalize all instruments or other documents required in order to make the selected financial assurance legally binding in a form substantially identical to the financial assurance documents reviewed and approved by US EPA. Respondent shall submit all executed and/or otherwise finalized instruments or other documents to US EPA within thirty days after US EPA's approval of the draft financial assurance instruments.
19. EPA may require additional financial assurance if a CMI Workplan is required and associated cost estimates are final.


V. EFFECTIVE DATE

The effective date of this Amendment shall be ten days after Respondent has received notice from US EPA that US EPA has signed the Order.

DATE: 3/10/2010

BY: 
Wayne Kiso
President
Romic Environmental Technologies Corp.

DATE: 3/19/2010

BY: 
Jeff Scott
Director, Waste Management Division
U.S. Environmental Protection Agency, Region IX

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CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing First Amendment to Administrative Order on Consent issued pursuant to Section 3008 of the Resource Conservation and Recovery Act, as amended, Docket No. RCRA 3008-09-2008-0003 was filed with the Regional Hearing Clerk, EPA Region IX, San Francisco, California, and a true and correct copy of such Administrative Order was sent in the manner set forth below on this 22nd day of March 2010, addressed to the following:

By United States certified mail, return receipt requested to:

Mr. Wayne Kiso
President
Romic Environmental Technologies Corporation
820 Gessner Road, Suite 800
Houston, TX 77024

3/22/10

Date



Vasilis Kontaxakis, Receptionist
Office of Regional Counsel
EPA Region IX

